REMARKS

In the present communication, Applicants have cancelled Claims 3-21, and amended Claims 1 and 2 to recite a heavy chain amino acid sequence comprising SEQ ID NO: 48 and a light chain amino acid sequence comprising SEQ ID NO: 49, respectively. In addition, Applicants have added new Claims 22-45 directed to antibodies that share the common structure of a human V_H1-8 family gene and a J_H6B family gene. Thus, Claims 1, 2, and 22-45 are presented for examination.

Support for new Claims 22-45 can be found throughout the specification and claims as originally filed, for example, pages 34-35, Example 7, Figures 22, 48-50, and 56. Accordingly, no new matter has been added by this amendment. Specific changes to the amended claims are shown in the Listing of the Claims provided above.

Provisional Election

In response to the Restriction Requirement mailed on November 4, 2003, Applicants hereby provisionally elect Group 35, Claims 1-2 and 21, relating to antibodies having SEQ ID NOs: 48 and 49, with traverse. In accordance therewith, Applicants reserve the right to prosecute the claims of the non-elected Groups in divisional applications pursuant to 35 U.S.C. § 121.

Traversal

The restriction of Claims 1-21 under 35 U.S.C. § 121, as allegedly drawn to thirty-five distinct inventions, is respectfully traversed. Applicants disagree with the Examiner's assertion that the inventions of Groups 1 to 35 are unrelated. In contrast to the Examiner's assertion, Applicants submit that all of the Groups are intimately related as all of the claims relate to human monoclonal antibodies or antigen-binding portions thereof that specifically bind to Platelet Derived Growth Factor D (PDGFD) share a common human V_H1-8 family gene and a common J_H6B family gene. Because all of the claims are intimately and structurally related, a prior art search of one Group would necessarily require a search of the other Groups. Thus, examination of all antibodies within the scope of the present claims would not impose a serious burden on the Examiner. Indeed, the Examiner *must* examine the entire application if the search and examination can be made without serious burden (M.P.E.P. §803.01). Furthermore, no

conservation of USPTO resources would be realized if the restriction requirement as asserted is maintained.

The Examiner has alleged that the recited antibodies differ with respect to their structure, and binding specificity. Thus, each heavy and light chain combination is alleged to constitute independent and distinct inventions according to 35 U.S.C. §121. To support this restriction, the Examiner has relied on the Manual of Patent Examining Procedure (M.P.E.P.) §§ 806.04 and 808.01, which state that inventions are unrelated if they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects. In the instant application, the Examiner asserts that the different products as claimed differ with respect to their structure and binding specificity.

Applicants respectfully disagree. Applicants' claimed invention relates to human monoclonal antibodies or antigen-binding portions thereof that bind to Platelet Derived Growth Factor D (PDGFD) and share a common human V_H1-8 family gene and a common J_H6B family gene. Furthermore, Applicants have discovered that human monoclonal antibodies or antigen-binding portions thereof that specifically bind to PDGFD and are encoded by a human V_H1-8 family gene and a J_H6B family gene show the strong ability to neutralize the growth promoting effects of PDGFD. *See, e.g.*, Figures 22 and 44 of the specification. Accordingly, the claimed antibodies not only share a common structure, but that structure has been demonstrated to correlate with improved neutralizing function.

Thus, the antibodies as claimed in pending Claims 1 and 2, and new Claims 22-45 have a common structure and function, and should properly be examined as one invention. In view of the evidence discussed herein and found throughout the specification, the Examiner's assertion that the claimed antibodies are so unrelated as to warrant a restriction requirement is not supportable. Moreover, should the Examiner maintain the restriction, it will deprive Applicants of their statutory right to claim the full scope of their invention. In view of this showing, Applicants request withdrawal of this restriction requirement, and examination of all pending claims.

In view of the above remarks, prompt and favorable action on all claims is respectfully requested. If the Examiner believes that a telephonic conference would be helpful, the Examiner is invited to contact the undersigned at the telephone number provided below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 4, 2004

By: _____

Michael L. Fuller
Registration No. 36,516
Attorney of Record
Customer No. 20,995
(619) 235-8550

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